

PAGES  
1-20  
PAGES

1 Mr. Jimmie Stephen  
 2 C-56483  
 3 P.O. Box 8101  
 4 San Luis Obispo, CA 93409

5 Court of United States N.S.  
 6 State of Alabama-Northern

7  
 8  
 9 CASE # C08-744JW

10 07-6379JW

11  
 12 JIMMIE STEPHEN  
 13 Plaintiff

14  
 15 v  
 16  
 17 Dr. HOXIE  
 18 et al Defendants

19 1.. Request for "ORDER" to "STAY"  
 20 Transfer of VENUE in  
 21 "Northern" District of  
 22 U.S. District Court..  
 23 under 28 USC 1404A  
 24 2.. IMMEDIATE DANGER" "SERIOUS  
 25 PHYSICAL INJURY. 28 USC 1915.

26 Plaintiff JIMMIE STEPHEN HEREBY REQUEST  
 27 by "ORDER" for "STAY" of "TRANSFER" of "VENUE" in Mother  
 28 District from State court whereas "originally filed"  
 29 in U.S. N.C. "Northern" State of Alabama..

30 In the "Interest of Justice" under 1404-A  
 31 for "Convenience of Parties" and "Witnesses".

32 "DAHLEM J HARRIS" 916, f2A, 443 (8th 1990) 14844  
 33 "BLOBS J TEL HUME" 334, f2A, 910 (9th 2004) 14845  
 34 "IN RE AD T JUSTICES" 117, B.L. 789 (S.D. 1990).  
 35 Case # 16029.. "ORDERS" AVAILABLE EVEN AND "VENUE" EXHIBITS PAGE # 4-29..

"Court"

PAGES # 3B-C AD.

"factors to be considered"

1) Determinants whether

"INTEREST of TURTLE" factor

"Transfer of VENDE".

PAGES # 4-29.

A.. Plaintiff states based upon ENTIRE "YARD closure" at RT demand from LEVEL 3 to "SENSITIVE NEED" YARD of 12-1-06 Plaintiff "WITNESSES" were mostly "TRANSMITTED" to "Northern" (Akron/1A mi) "EASTERN" District.

B.. "Cost of ATTENDANCE" of "Willing, unwilling WITNESSES" at trial in "SENSE of PROCESS" providing for more convenient forum to place Plaintiff on same footprint as Defendants.. to PREVENT WASTE of time ENERGY, MONEY, and Protection against UNNECESSARY INCONVENIENCE and EXHAUSE. PAGE # 16 & 29.. AS WELL AS "DISTANCE between Defendants" "Retention".

C.. "COURT" ACCESS to "SOURCE of Proof". Protection for Litigants, witnesses and the Public, will PREJUDICE to Plaintiff as IS ALL SOUTHERN Court are "ABUSIVE".

D.. "ACCESSIBILITY" of PREMISES INCLUDED in litigation including Defendants misbehavior in) pursuing Complaint. AS STATED in) Exhibits # 4-29.. Willful MISDRAIGNE of Justice.

E.. "RELATIVE CONGESTION" of "Court Docket" and "Bounds J SMITH" (430, US, 817 (1977). ACCESS to Court. "Akron J. Atworth" (47, f3h, 715 (8th 1948) "IMMINENT DANGEROUS EXPOSURE" PAGES # 4-29.. "PHYSICAL SERIOUS INJURY". 2

"Off Hand, Unpleasant"  
 "Southern District Courts"  
 "Abuse" in this CASE..

Prospects of TRIAL. by Wilful Abuse. PAGES # 4-2a.

"Van Dusen v Barlow" 376 US. 612 (1964).

Transfer of CASE from WHERE wrong "JUDGE".  
 Under JUDGES "Discretion".

128 "28 USC 1406" Permits "Transfer of CASES"  
 Having "Proper JUDGE" but Locking Plaintiff Torts-  
 Nition over Defendants.

It is "Abuse of Discretion" under "1406" to dismiss  
 CASE instead of "Transfer to Proper JUDGE".

"NEGATIVE IN VENUE" by Defendants on Southern  
 District Courts Mandate Transfer of JUDGE..  
 WHERE "JUDGE" was laid in "WRONG COURT" Transfer  
 to Proper District in "INTEREST of JUSTICE" under 28  
 USC 1406-A was within "Discretion of District".

"Mosley v Nationwide" 485 F2d. 418 (1973).

"Relief Requested" PAGES # 4-2a.

1. "Stay" of "Complaint" Transfer in "INTEREST of  
 JUSTICE" under 1404..

2. "REQUEST GRANTING" "Right to Proceed" forthwith in  
 U.S. A. L. Northern.

3. Any other Relief by this Court..

TRUE against firm in District  
 Date 2-13-08 Signature James B. McRae

Failure to Protect  
EXHIBIT # /

Courts of "United States District  
Southern-San Diego Alvarado  
Has A "PATTERN" of "MISCONDUCT"  
Abuse and "UNNECESSARY Confinement"  
to Plaintiff STEPHEN "Dhaoming".

the 9th CIRCUIT Court of Appeal  
"Accepted and Remanded" Complaint for  
"Deliberate Indifference for SERIOUS MEDICAL"  
NEED of 1-11-95.

ON 4-28-95 Plaintiff was walking  
Retardation, and resulted "by GUARDS and set  
up to be "MURDERED" on 6-12-95 and 6-13-95.  
for "ACCESS to Courts and the "Unlawful and  
Remaind". "Ongoing INCONVENIENCE"  
"SEE PAGES" # 9, 10, 11, 12 and 13..

Upon "STAY of Transfer" is REQUESTED based  
"INTEREST of JUSTICE", AS WELL as "OFGA"  
"MISCONDUCT of JUSTICE".

3A

FILED

JAN 11 1995

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALSNOT FOR PUBLICATION  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

JIMMIE EARL STEPHEN,	)	No. 94-56041
Plaintiff-Appellant,	)	D.C. No. CV-94-932-JNK
v.	)	
K. W. PRUNTY, Chief Deputy Warden, et al.,	)	MEMORANDUM*
Defendants-Appellees.	)	
	)	
	)	

Appeal from the United States District Court  
for the Southern District of California  
Judith N. Keep, Chief Judge, Presiding

Submitted December 19, 1994\*\*

Before: SNEED, D.W. NELSON, and Trott, Circuit Judges.

Jimmie Stephen, a California state prisoner, appeals pro se  
the district court's order dismissing on res judicata grounds his  
42 U.S.C. § 1983 action alleging medical indifference to serious  
medical needs. We have jurisdiction under 28 U.S.C. § 1291, and  
we vacate and remand.

In his complaint, Stephen alleged that prison officials and  
medical staff deprived him of "any and all medical necessities of  
life by their wrongdoings as to their actions from 3-3-94 and  
ongoing." The district court dismissed the complaint on res

\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a); 9th Cir. R. 34-4.

3B

judicata grounds, finding that the complaint raised issues that had been litigated and decided in a prior action.

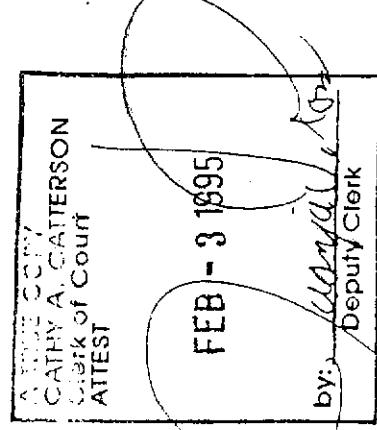
We review de novo the district court's dismissal on res judicata grounds. See Palomar Mobilehome Park Ass'n v. City of San Marcos, 989 F.2d 362, 363 (9th Cir. 1993).

Under the doctrine of res judicata, a final judgment on the merits prevents a plaintiff from relitigating claims that were or could have been litigated in the prior actions. See Nevada v. United States, 463 U.S. 110, 129-30 (1983); Western Systems Inc. v. Ulloa, 958 F.2d 864, 871 (9th Cir. 1992), cert. denied, 113 S. Ct. 970 (1993). The plaintiff also is barred from relitigating issues of law or fact that were actually litigated and necessarily decided in the prior action, whether on the same claim or a different claim. See Duncan v. United States (In re Duncan), 713 F.2d 538, 541 (9th Cir. 1983).

Here, we disagree with the district court that Stephen's complaint raised issues that had been litigated in his previous section 1983 action. Stephen's prior action alleged that prison officials at Calipatria state prison had been deliberately indifferent to his serious medical needs between 1992 and 1993 because they failed to prescribe him specific medications or otherwise failed to properly diagnose and treat his sinus problem. In the present action, Stephen alleges that prison officials at Calipatria state prison have denied him "any and all" medical care since March 1994 in retaliation for Stephen's previous lawsuits against prison officials. Because Stephen's claims in this action involve injuries and wrongs that allegedly occurred subsequent to

the injuries involved in his prior action, the district court erred by dismissing Stephen's action on res judicata grounds. See id.<sup>1/</sup>

VACATED and REMANDED.



<sup>1/</sup> We deny Stephen's motion to consolidate this case with Appeal Nos. 94-55626 and 94-55655.

"Rants" INTEREST of Justice  
complaints etc...  
and "Willful INFLUENCE"  
on U.S. N.C. Southern Courts..

## EXHIBIT #II..

PAGE #425-Copy of Conservative Messages and Directions  
"ORAL" Act to Complain.

PAGE #6-MURDER of John Tamm of 12-28-04..

PAGE #78-Assault on Plaintiff of 4-28-95..

(DISMISSED) PAGE #9- ATTEMPTED THREAT on Plaintiff Life of 6-12-95. Willful..

(DISMISSED) PAGE #10- Willful "ATTEMPT" on Plaintiff life of 6-13-95 by GUNNS  
informant..

(DISMISSED) PAGE #11- ALLEGED STALKING on Miss Bellon of 8-9-05..

(DISMISSED) PAGE #12- Willful assault on Plaintiff life of 9-29-05..

(DISMISSED) PAGE #13- Willful false charges of threatening officer of 11-27-05

PAGE #14-TB test before Plaintiff at Donovum 9-16-03..

PAGE #15-TB TEST of 5-1-05.. Infection on Plaintiff..

PAGE #16- Prisoners at Donovum Tested Positive for TB. 7-10-05

PAGE #17,18- REQUEST for SENATE INVESTIGATION of 10-12-06  
as to "Ventilation" system at Donovum. Infection  
ALLEGED SOURCE and other DEFECTS..

PAGE #19- Willfully DEFECTED of Libelary against Rules of 12-2004  
to 5-1-05..

PAGE #20- WITNESSES witness ME willing to come and  
TESTIFY at trial as to Constitutional violations..

"Acts shows a "Pattern of misconduct" only occurring  
SOUTHERN District Courts.. when spent 3-4  
4 YEARS in Pelican Bay from 1996 to 2000..

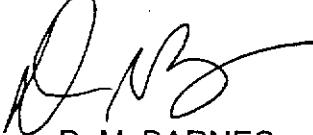
DATE: October 17, 2003  
NAME: Stephen, J  
CDC #: C-56483  
APPEAL LOG #: 03-1222  
APPEAL DECISION: **DENIED** **SECOND LEVEL REVIEW**

**APPEAL ISSUE:** You are appealing the issue of not being permitted to keep your electronic appliances when you transferred to the Richard J. Donovan Correctional Facility, (RJDCF) because the only electronics accepted at the RJDCF have to have a clear secure plastic casing. Additionally, you want your appliances back or the money to replace them.

**APPEAL RESPONSE:** Mr. Stephen, I have received and reviewed your Inmate/Parolee Appeal Form, CDC-602, Log #03-1222. In my investigation of this issue I have found that you arrive with electronic appliances that were not in compliance with Operational Plan #2 at the RJDCF. I spoke with Central Receiving and Release Correctional Sergeant E. Vizcarra concerning this appeal. Sergeant Vizcarra states that on October 17, 2003, at approximately 0807 hours, you were interviewed by him and were offered the options of mailing home the TV, radio and CD player, donating the TV, radio and CD player to the State, or having them destroyed. This addendum to Operational Procedure Plan #2, Inmate Property, APPLIANCES, went into effect December 13, 2000, approved by the Warden of this institutions. The California Code of Regulations, Title 15, Article 9, Personal Property, Section 3190, General Policy, (a) states, "Warden and superintendents shall establish a list of personal property items and the maximum amount of such items an inmate may have in his or her possession within the institution."

All California institutions were notified of this change before this addendum went into effect. Regardless of what institution you were at you would have to mail the electronic appliances home if you were not in compliance. Additionally, the RJDCF policy has previously been upheld in a court of law. The Office of W. A. Duncan, Deputy Director Institutions Division, has been notified and the institution is awaiting a response from Mr. Duncan's office for clarification on the issue.

Therefore, based on the aforementioned, this Inmate Appeal is **DENIED** at the Second Level of Review.



D. M. BARNES  
Chief Deputy Warden (A)



## Memorandum

Date : September 19, 2002

To : Wardens

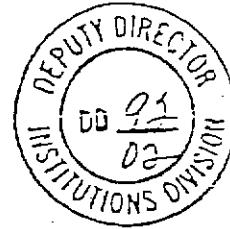
Subject: CLEAR-CASE TECHNOLOGIES

In July of 1998, the Director of the Department of Corrections authorized wardens to restrict new purchases of inmate televisions, radios, and compact disks/cassette players to clear-case technology only. The Director did not set exact timeframes when the removal of the old solid-color electronic devices would be implemented. It is expected that more definition of the aforementioned timeframes and phased removal of existing solid-color electrical devices will be included in the forthcoming Property Regulations. Therefore, inmates will be allowed to retain the old style solid-color electrical devices pending adoption of those regulations. No effort shall be made at this time to require inmates to send the solid-color electrical devices home or require they dispose of them in some way if they transfer from one institution to another. In the interim, wardens may continue the practice of requiring that all new purchases of electronic devices be of the clear-case technology.

Should you have any questions regarding this issue please contact Ron Cappel, Administrative Assistant, Institutions Division, at (916) 322-6038.

*W. A. Duncan*  
W. A. DUNCAN  
Deputy Director  
Institutions Division

cc: Roderick Q. Hickman, Assistant Deputy Director, Operations and Programs  
George M. Galaza, Assistant Deputy Director, Community and Institute Programs  
Ana Ramirez-Palmer, Regional Administrator-North  
Suzan L. Hubbard, Regional Administrator-South (A)  
E. Rot, Regional Administrator-Central



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Matthew L. Cate, Inspector General



Office of the Inspector General

March 28, 2005

Jimmie Stephen, C-56483  
 Richard J. Donovan Correctional Facility  
 480 Alta Road  
 San Diego, CA 92179

Dear Mr. Stephen:

The Office of the Inspector General has received your correspondence postmarked February 8, 2005. In your letter, you allege inmate John Young, T-71261, was murdered by correctional staff. Additionally, you allege your property was confiscated, and you site problems with your trust account.

A limited inquiry was conducted into the homicide of inmate Young, and it was determined that an investigation is currently being conducted by another agency; therefore, it would be inappropriate for our office to intervene at this time.

As for your property and trust account issues, we determined that these issues could be more effectively addressed through a general approach rather than individually. Given the volume and complexity of the complaints we receive, it is not possible for us to fully research and respond separately to each complaint. Therefore, we attempt to focus our audit and investigative resources on issues where the greatest needs exist. We believe that in this way we can provide the greatest benefit to you and others who have been affected. We have therefore included your concerns in our computer database for further review and analysis. If we conduct an audit or investigation of the issues you raise, you may be contacted later.

Meanwhile, we encourage you to continue to try to use available administrative remedies, such as the CDC-602 inmate/parolee appeal process. If you have questions about the process or the status of your appeal, please contact your correctional counselor for advice and assistance.

Thank you for bringing your concerns to our attention.

Sincerely,



REGIS LANE  
 Deputy Inspector General

RL:vh:05-0011704-01

32  
 Arnold Schwarzenegger, Governor

6

VIOLATION REPORT		RELEASE/BOARD DATE	INST.	HOUSING NO.	LOG NO.
CDC NUMBER C-56483	INMATE'S NAME STEPHEN, J.		CSP-CAL	D3-123L	04-95-D08
VIOLATED RULE NO(S). CCRS3005(c) FORCE & VIOLENCE		SPECIFIC ACTS ASSAULT ON STAFF		LOCATION D-YARD	DATE 04/28/95
					TIME 0650:THOU

CIRCUMSTANCES On Friday, April 28, 1995, at approximately 0650 hours, while performing my duties as "D" Facility Yard Officer #1, I was performing random clothed body searches on inmates exiting dining hall #2. I ordered Inmate STEPHEN, J., C-56483, D3-123L, to submit to a clothed body search. STEPHEN refused stating "You aint touching me mother fucker", and began walking away. I again ordered STEPHEN to allow me to perform the search, STEPHEN stated "Fuck you, you aint touching me. Call the sergeant over." I called Correctional Sergeant (A) G. Ellis over and advised him of the situation. Sergeant Ellis ordered STEPHEN to submit to the search. STEPHEN assumed the position with legs spread, arms out, facing away from me. As I placed my hands on STEPHEN'S back, he spun around, cocked his right fist and simultaneously stepped towards me. To avoid being hit, I grabbed STEPHEN with both arms around his middle torso and yelled for him to get down. STEPHEN twisted vigorously to the right and struck me twice (2) in the right eye area with his right fist. Responding staff immediately subdued STEPHEN and placed him in handcuffs. STEPHEN was escorted to the Program Office holding cell to await processing for Administrative Segregation.

Inmate STEPHEN is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) ► M. CROFOOT, CORRECTIONAL OFFICER	DATE 5-1-95	ASSIGNMENT D-YARD C/O #1	ROO'S TUE/WED
REVIEWING SUPERVISOR'S SIGNATURE G. ELLIS, PROGRAM SERGEANT	DATE 5-1-95	X INMATE SEGREGATED PENDING HEARING DATE 04/28/95	LOC A5-144U
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: 5-121-150	DATE 5/1/95	CLASSIFIED BY (Typed Name and Signature) ► LT. C. Butler
HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC			

COPIES GIVEN INMATE BEFORE HEARING

X CDC 115	BY: (STAFF'S SIGNATURE) ► C. Butler	DATE 5-1-95	TIME 2040	TITLE OF SUPPLEMENT
X INCIDENT REPORT LOG NUMBER: CAL-FDY-95-04-0176	BY: (STAFF'S SIGNATURE) ► C. Butler	DATE 5-15-95	TIME 1820	BY: (STAFF'S SIGNATURE)
DATE TIME				

HEARING On May 29, 1995, at approximately 1000 hours, Inmate STEPHEN appeared before me in regard to a CDC-115, dated 04/28/95. This CDC-115 was issued to Inmate STEPHEN on 05/01/95. Inmate STEPHEN stated he was in good health and acknowledged receipt of all reports and was ready to proceed with the hearing. All time constraints have been met and all reports were issued more than 24 hours prior to the hearing. STEPHEN elected to proceed with the hearing and not postpone pending outcome of referral for prosecution as indicated by his signature on the CDC-115A. STEPHEN was assigned Correctional Officer D. LARSON as investigative employee, per CCR 3315(d). Witness(es) were requested, and granted.

**INMATE PLEA:** The charges were read to Inmate STEPHEN, and he pled NOT GUILTY. Inmate STEPHEN stated: "It is all lies. It was not a random search, it's all lies."

**WITNESS STATEMENT:** Reporting Employee Correctional Officer M. Crofoot stated: "We were searching inmates and I called out to STEPHEN and he said, 'Fuck you'. I called the Sergeant. I then started to search. I put my hands on his back. He spun around and I and I tried to take him down and he hit me twice in the right side of my face".

**FINDINGS:** Inmate STEPHEN was found GUILTY of violating CCR# 3005(c), specifically for ASSAULT ON STAFF. This finding was based upon the preponderance of evidence submitted at the hearing, which substantiates the charge. This evidence includes: Officer M. CROFOOT's written report. In

REFERRED TO  CLASSIFICATION  BPP/NAFA  
(continued on next page)

ACTION BY: (TYPED NAME) G.J. JANDA, CORRECTIONAL LIEUTENANT	SIGNATURE ► G.J. Janda LT.	DATE 5/29/95	TIME 1000 HRS
REVIEWED BY: (SIGNATURE) ► K. Blanard PA(A)	DATE 5-30-95	CHIEF DISCIPLINARY OFFICER'S SIGNATURE ► Ceeva A/cw(A)	DATE 5/30/95
BY: (STAFF'S SIGNATURE) ► Ceeva A/cw(A)			
COPY OF CDC 115 GIVEN INMATE AFTER HEARING CDC 115 (7/88)			
6/1/95 Rec Conform 150 days Loc to m/sfty			

CALIFORNIA  
VIOLATIONS VIOLATION REPORT

DOC NUMBER C-56483	INMATE'S NAME STEPHEN	RELEASE/BOARD DATE	INST CSP/CAL	HOUSING NO. FA5-144U	LOG NO. 04-95-D-08
VIOLATED RULE NO(S). §3005(c) FORCE & VIOLENCE	SPECIFIC ACTS ASSAULT ON STAFF	LOCATION D-YARD	DATE 04/28/95	TIME 0650 HOU	

## (HEARING CONTINUED):

addition, the testimony of the Reporting Employee at the time of the hearing, the contents of the Investigative Report, the contents of the CDC-837 Incident Report. Also the contents of the CDC-7219 indicating that the injuries sustained by the Reporting Employee are consistent with the assault that STEPHENS committed upon him.

**DISPOSITION:** GUILTY. Inmate STEPHEN was assessed (150) days loss of credits consistent with a Division "B" Offense. STEPHENS was counseled and reprimanded on future behavioral expectations.

Senior Hearing Officer recommends retention in Administrative Segregation pending review by the Institutional Classification Committee, and further recommends assessment of appropriate S.H.U. term. REFER TO I.C.C. FOR CONFIRMATION OF CREDIT LOSS/DISPOSITION.

INMATE STEPHEN WAS ADVISED OF HIS RIGHTS AND PROCEDURES TO APPEAL THIS ACTION, AND ADVISED HE WOULD RECEIVE A COMPLETED COPY UPON FINAL AUDIT BY THE CHIEF DISCIPLINARY OFFICER.

REFERRED TO  CLASSIFICATION  BPT/NAEA

ACTION BY: (TYPED NAME)

G. J. JANDA, CORRECTIONAL LIEUTENANT

REVIEWED BY: (SIGNATURE)

SIGNATURE

CHIEF DISCIPLINARY OFFICER'S SIGNATURE

DATE 5/29/95 TIME 1000 HR

DATE 5/30/95 TIME

COPY OF CDC 115 GIVEN INMATE AFTER HEARING

CDC 115 (7/88)

8

STATE OF CALIFORNIA  
**RULES VIOLATION REPORT**

STATE OF CALIFORNIA <b>RULES VIOLATION REPORT</b>		RELEASE/BOARD DATE	INST	HOUSING NO	LOG NO
CDC NUMBER	INMATE'S NAME		CSP/CAL	PA5-121U	06-A5-95
C-56483	STEPHEN, J.	SPECIFIC ACTS	LOCATION	DATE 06/12/05	TIME 1223 HOURS

~~VIOLATED RULE NO. 5~~ ~~ASSAULT ON INMATE/SHOTS FIRED~~ ~~AD-SEG YARD~~  
**#3005(c) FORCE & VIOLENCE** **CIRCUMSTANCES** On Monday, June 12, 1995, at approximately 1223 hours while performing my duties as Administrative Segregation S & E #1, I observed in exercise yard #1, Inmate FIERRO, E-7252, A5-116U, run toward Inmate **STEPHEN**, C-56483, A5-121U, and attempt to strike him to the mid-torso area with his right hand, using an underhand stabbing motion, as **STEPHEN** moved back. Inmate PADILLA, H-00471, A5-116L, ran toward Inmate SMITH, H-55937, A5-121L, and both inmates began swinging both their fists, striking each other to the upper torso area. I yelled "Weapon get down", and fired one (1) round from my state-issued 37mm gas gun, serial #D04742, with No 264R baton rounds, with negative results. FIERRO ran up behind SMITH and made a stabbing motion to his back, before kneeling down on the ground. SMITH, who was standing over PADILLA as he sat on the ground, repeatedly struck PADILLA with his left fist to the facial area. FIERRO then stood up and began moving towards SMITH, as SMITH walked toward FIERRO, and both squared off in an aggressive stance. Administrative Segregation Lieutenant G. SUMPTER discharged one (1)

(CONTINUED)

REPORTING EMPLOYEE (Typed Name and Signature)		DATE	ASSIGNMENT	RDO'S
► T. DIAZ, CORRECTIONAL OFFICER		JUNE 12, 1995	AD-SEG S & E #1	TH/1
REVIEWING SUPERVISOR'S SIGNATURE		DATE		
► W. PRICE, CORRECTIONAL SERGEANT		JUNE 12, 1995	INMATE SEGREGATED PENDING HEARING	
CLASSIFIED		OFFENSE DIVISION:	DATE	LOC
<input type="checkbox"/> ADMINISTRATIVE		A-1 181-360	9/22/95	<input type="checkbox"/> HEARING REFERRED TO
<input checked="" type="checkbox"/> SERIOUS		CLASSIFIED BY: (Staff's Name and Signature)		
COPIES GIVEN INMATE BEFORE HEARING				
BY: (STAFF'S SIGNATURE)		DATE	TIME	TITLE OF SUPPLEMENT
► Relentless		6/29/95	1800	
BY: (STAFF'S SIGNATURE)		DATE	TIME	BY: (STAFF'S SIGNATURE)
► M/		7/5/95	1100	
INCIDENT REPORT LOG NUMBER:				DATE

1-PA5-95-66-0457 ▶ *M. Fisher* ▶ 1987/06/12  
HEARING  
Inmate STEPHEN appeared before me in regard to a CCR-115, dated 06/12/95. Inmate STEPHEN stated he was in good health and had received copies of all pertinent reports at least twenty-four hours prior to the hearing, and was ready to proceed. Inmate STEPHEN was assigned Officer M. Fisher as the Investigative Employee. No witnesses were requested. Inmate STEPHEN was assigned Officer M. Fisher as the Investigative Employee. Inmate STEPHEN had no comment.

the charge. This evidence includes: The disciplinary report and assault. Therefore, the finding of NOT GUILTY.

DISPOSITION: This CDO-115 is being dismissed due to INSUFFICIENT EVIDENCE. Inmate STEPHEN was advised of his rights procedures to appeal this action. He was further informed he would receive a completed copy upon final audit by Chief Disciplinary Officer, who's signature will indicate an affirmation, reversal or modification of this act thereby constituting the First Level of review for appeal purposes.

REFERRED TO	<input type="checkbox"/> CLASSIFICATION	<input type="checkbox"/> BPT/NAEA	DATE	TIME
ACTION BY (TYPED NAME)		SIGNATURE		
K. HOWARD, CORRECTIONAL LIEUTENANT		► <i>K. Howard</i>	07/17/95 1	
REVIEWED BY (SIGNATURE)	<i>K. Howard</i>	DATE	DATE	
► A. TUTT, PROGRAM ADMINISTRATOR		7/19/95	7/25/95	
► COPY OF CDC 115 GIVEN INMATE AFTER HEARING		BY (STAFF'S SIGNATURE)	DATE	TIME
		► <i>M. Fisher</i>	7/26/95	9

STATE OF CALIFORNIA

## RULES VIOLATION REPORT

DOC NUMBER	INMATE'S NAME	RELEASE/BOARD DATE	INST.	HOUSING NO.	LOG NO.
C-56483	STEPHEN, J.		CSP-CAL	FA5-121U	05-AS-95-002
VIOLATED RULE INDEX		SPECIFIC ACTS	LOCATION	DATE	TIME
#3005(c)-FORCE & VIOLENCE	CELL FIGHT	CELL A5-121		06/13/95	1455 hours

## CIRCUMSTANCES

On Tuesday, June 13, 1995, at approximately 1455 hours, while performing my duties as Administrative Segregation (Ad/Seg) Floor Officer #1, I heard a loud noise coming from cell A5-121, jointly occupied by Inmate SMITH, H-55937, A5-121L, and Inmate STEPHEN, C-56483, A5-121U. I observed SMITH's right arm around STEPHEN's neck, choking STEPHEN. I responded to cell A5-121 and ordered SMITH to stop fighting. SMITH then rammed STEPHEN's head into the cell door. I again ordered SMITH to stop fighting. SMITH then complied. Both inmates were then removed from their cell without further incident. Both inmates were medically evaluated by Medical Technical Assistant D. SULLINS. SMITH was then returned to cell A5-121. STEPHEN was rehoused to cell A5-225.

Inmate STEPHEN is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature)			DATE	ASSIGNMENT	RDO'S
► D. MENDEZ, CORRECTIONAL OFFICER			06/13/95	AD/SEG FLOOR C/O #1	F/S
REVIEWING SUPERVISOR'S SIGNATURE			DATE	□ INMATE SEGREGATED PENDING HEARING	
► J. GOEBEL, CORRECTIONAL SGT.			06/13/95	DATE	45-171U LOC
CLASSIFIED BY (Typed Name and Signature)			HEARING REFERRED TO		
<input type="checkbox"/> ADMINISTRATIVE	OFFENSE DIVISION:	DATE	<input type="checkbox"/> HD <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FE		
<input checked="" type="checkbox"/> SERIOUS	D 601-90	06/10/95			
COPIES GIVEN TO INMATE BEFORE HEARING					
► CDC 115	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT	
	► RC	6/17/95	0925	1/1	
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)	DATE TIME
	► 1/1			► 1-11	

HEARING: On June 23, 1995 at approximately 1005 hours, Inmate STEPHEN appeared before me in regards to a CDC-115 he received on 06/23/95. STEPHEN stated that he was in good health, acknowledged receipt of all reports and was ready to proceed with this hearing. All time constraints have been met and all reports were issued more than 24 hours prior to the hearing. Correctional Officer B. BENTLEY was assigned as the Investigative Employee. Witnesses were not requested by the inmate. The charges were read to STEPHEN who pled, NOT GUILTY.

STATEMENT OF CHARGED INMATE: Inmate STEPHEN declined to make a statement.

FINDINGS: Inmate STEPHEN was found NOT GUILTY of violating CCR #3005(c), for the specific act of, FIGHTING. This finding was based upon the preponderance of the evidence submitted at this hearing, which does not substantiate the charge. This evidence includes: the contents of Correctional Officer D. MENDEZ's written report, which states that he saw SMITH with his arm around STEPHEN's neck. SMITH then rammed STEPHEN's head into the cell door. The Reporting Employee made no reference to STEPHEN fighting.

DISPOSITION: NOT GUILTY. DISMISSED IN THE INTEREST OF JUSTICE based upon the Senior Hearing Officer deemed that STEPHEN was the victim of assault.

INMATE STEPHEN WAS ADVISED OF HIS RIGHTS TO AND THE PROCEDURES FOR THE APPEAL OF THIS ACTION. HE WAS ALSO ADVISED THAT HE WILL RECEIVE A COMPLETED COPY OF THIS CDC-115 UPON FINAL AUDIT BY

REFERRAL TO CLASSIFICATION OFFICER.

ACTION BY: (TYPED NAME)	SIGNATURE	DATE	TIME
► G.D. SUMPTER, CORRECTIONAL LIEUTENANT	► M. BROWN	6/23/95	1005 HR
REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	
► M. BROWN	6/23/95	► D. BENTLEY	
BY: (STAFF'S SIGNATURE)		DATE	TIME
► RC		6/23/95	1250
COPY OF CDC 115 GIVEN INMATE AFTER HEARING			

CDC 115 (7/88)

10

STATE OF CALIFORNIA  
RULES VIOLATION REPORT

DEPARTMENT OF CORRECTIONS

[ 410 ]

CDC NUMBER	INMATE'S NAME	RELEASE/BOARD DATE	INST.	HOUSING NO.	LOG NO.
C-56483	STEPHEN, J. (1)		RJDCAF	13-105U	F3-05-410
VIOLATED RULE NO(S)	SPECIFIC ACTS	DISMISSED	LOCATION	DATE	TIME
CCR 3005(a) CONDUCT	STALKING		UNIT #13	08/08/05	13:30

## CIRCUMSTANCES

On Tuesday, August 8, 2005, at approximately 1330 hours, the Investigative Services Unit (ISU) concluded an investigation into Inmate STEPHEN's, J., C-56483, F3-13-105U, stalking Correctional Officer M. Belton. On August 5, 2005, the ISU received a handwritten letter that was intercepted by Mailroom Supervisor J. McNeil. The letter was inside of a U SAVE 'EM envelope addressed to Officer Belton. Inmate STEPHEN's states in the letter that he is in love with Officer Belton. Included in the U SAVE 'EM envelope was a second U SAVE 'EM envelope addressed to Inmate STEPHEN himself, and the letter contained instructions for Officer Belton not to include her name in her response and he would be able to identify her letter by the included self-addressed envelope. ISU Officer, Correctional Officer R. Billingsley and I conducted a search of Inmate STEPHEN's Cell F3-13-105. During the search, Officer Billingsley discovered a chronological log when Officer Belton worked Housing Unit 13 and her demeanor towards him when she did. As a result, Inmate STEPHEN was rehoused in the Administrative Segregation Unit (ASU). Inmate STEPHEN is aware of this report.

## MHSDS: CGCMS

REPORTING EMPLOYEE (Typed Name and Signature)	DATE	ASSIGNMENT	RDO'S
► A. VASQUEZ, Correctional Officer	8-15-05	S & I "A", ISU	S/S/H

REVIEWING SUPERVISOR'S SIGNATURE	DATE	INMATE SEGREGATED PENDING HEARING
► J. N. CLARKE, Sergeant	8-16-05	DATE 08/09/05 LOC. F2-06-118L

CLASSIFIED	OFFENSE DIVISION	DATE	CLASSIFIED BY (Typed Name and Signature)	HEARING REFERRED TO
<input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	E (1)	8-16-05	► J. W. DRESBACH, Facility Captain	<input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

## COPIES GIVEN INMATE BEFORE HEARING

NODC 115	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER: N/A	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE) DATE TIME

HEARING Inmate issued copies of copies of all documents; including envelopes, signatures, etc; this date: 9-15-05 Issued by: M. Belton Time: 1940 hours.

Inmate STEPHEN appeared before this Senior Hearing Officer (SHO) on 9-15-05 at 1940 hours and was in good health. He received all pertinent copies 24 hours prior to this hearing. All charges were read to him and he was prepared to proceed. He is a MHSDS participant at the COOMS level of care. STAFF ASSISTANT: Not assigned per CCR 3315(d)(2)(A)1,2,3

INVESTIGATIVE EMPLOYEE: C/O Diaz was assigned and her report was taken into consideration.

WITNESSES: None requested for this hearing. INMATE PLED: NOT GUILTY, stating, "It ain't mine, the log might be mine because I have a case against Sgt. Clarke. I was keeping track of who he put in my building to set me up."

FINDINGS: GUILTY of CCR 3005(a) CONDUCT, Specifically: STALKING (Behavior which endangers another person), based on:

1. The RVR, authored by C/O Vasquez, dated 8-8-05, which states in part; that on 8-5-05, the Investigative Services Unit (ISU) received a handwritten letter which was intercepted by Mailroom Supervisor J. McNeil. The letter was in a U-Save-Em envelope addressed to C/O Belton. Inmate STEPHEN states in the letter that he is in love with C/O Belton. ISU Officer Billingsley and I conducted a search of Inmate STEPHEN's cell F3-13-105. During the search Officer Billingsley found a chronological log when C/O Belton worked H/U #13 and her demeanor towards him when she did.

HEARING CONTINUED ON pART-C page 1 of 2

REFERRED TO	CLASSIFICATION	BPT/NAEA	SIGNATURE	DATE	TIME
ACTION BY: (TYPED NAME)					
R. J. SHELAR, Lieutenant					
REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE		DATE	TIME
► J. W. DRESBACH, Facility Captain	9-20-05	► B. OLIVERO, Associate Warden		9-26-05	
COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE)				

CDC 115 (7/88)

STATE OF CALIFORNIA

## RULES VIOLATION REPORT REFER TO INCIDENT REPORT #RJD-CEN-06-09-0592

CDC NUMBER C-56483	INMATE'S NAME STEPHEN, J.	(1)	RELEASE/BOARD DATE LIFE	INST. RJDCAF	HOUSING NO. F3-15-136U	LOG NO. F3-06-571
VIOLATED RULE NO(S). CCR 3005(c)	FORCE & VIOLENCE	SPECIFIC ACTS OFFICER ROUTING USE OF FORCE	BATTERY ON A NON-PEACE LOCATION CENTRAL LIBRARY	DATE 09/29/06	TIME 1840 HRS	
CIRCUMSTANCES <i>Domestic</i>						

On Friday, September 29, 2006, at approximately 1840 hours, while performing my duties as a Librarian in the Central Library, Inmate STEPHEN, J., C-56483, F3-15-136U, requested approval for copies to be made of several documents. I examined the documents and discovered an altered/falsified diploma among other documents. I told STEPHEN that I would not approve copies to be made of the fraudulently altered diploma. While handing it back to him, I said, "I can write you up for this." He shouted back, "Go ahead and write me up then!" I instructed him to hand the document back to me, but he instead began to stuff it into his legal folder. I reached out to pull the paper from his hand, but he hit my hand and forcefully pushed my right hand away to prevent me from doing so. I pressed my alarm, and Officer I. Bravo arrived and ordered STEPHEN to get up out of the chair and turn around to allow handcuffs to be placed on him, with negative results. Instead of complying with orders, STEPHEN suddenly reached into a box that was at his feet. Officer Bravo wrapped both arms around the inmate's upper torso and used his body weight and strength to forcefully place him on the floor with the assistance of Officer C. Palencia who had also responded to the Library and observed Officer Bravo struggling with Inmate STEPHEN. Inmate STEPHEN further resisted by holding his arms tightly under his body, twisting ..

MHSOS: CCOMS

(CIRCUMSTANCES CONTINUE)

PAGE 1 OF 2

REPORTING EMPLOYEE (Typed Name and Signature) ► E. SIMON, Librarian	DATE 10-12-06	ASSIGNMENT Central Library	RDO'S S/S/H
REVIEWING SUPERVISOR'S SIGNATURE ► <i>E. Simon</i>	DATE 10-12-06	INMATE SEGREGATED PENDING HEARING	
CLASSIFIED □ ADMINISTRATIVE ■ SERIOUS	OFFENSE DIVISION 101-306	CLASSIFIED BY (Typed Name and Signature) ► G. PEDERSON, Facility 3 Captain (A)	HEARING REFERRED TO □ HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC
COPIES GIVEN INMATE BEFORE HEARING			
□ CDC 115 BY (STAFF'S SIGNATURE) <i>E. Pernis</i>	DATE 10/13/06	TIME 10:30	TITLE OF SUPPLEMENT
□ INCIDENT REPORT LOG NUMBER: 0592	BY (STAFF'S SIGNATURE) ►	DATE	TIME

HEARING  
Inmate STEPHEN, C-56483, appeared before this Senior Hearing Officer on 1-14-07 at 1800 hours for hearing of RVR Log# F3-06-574. MHSOS: CCOMS, and no CDC-115X was processed. The hearing was held in Administrative Segregation. SA was not assigned per OCR 3315(d)(2)(A)1,2,3; the inmate is not illiterate, is english speaking, issues are not complex. GPL of I/M is above 4.0 and he does not require a confidential relationship in preparing his defense.

DA REFERRAL: Hearing not postponed pending da referral, as noted by the inmates signature on the 115A.

The inmate stated he was in good health and did not object to proceeding with this hearing. He was advised of the charges and the purposes of this hearing, and acknowledged receipt of the 115, 115A, 115C, 24 hours prior to this hearing. The inmate received his first copy of the RVR within 15 days of discovery and the hearing was not held within 30 days of the issuance of the RVR, therefore all time constraints were not met.

IE waived by the inmate as noted by the inmate's signature on the 115A.

WITNESSES: Were requested, but subsequently waived by the inmate, as noted by the inmate's signature on the 115A.

I/M PLED: NOT GUILTY, stating, "I did not do anything."

HEARING CONTINUES ON PART-C page 1 of 2			
REFERRED TO ACTION BY: (TYPED NAME) E. Garza, Lieutenant	SIGNATURE DATE 1-16-07	CHIEF DISCIPLINARY OFFICER'S SIGNATURE E. Contreras, Associate Warden	DATE TIME 1/16/07 182
REVIEWED BY: (SIGNATURE) ► E. Marrero, Facility Captain	BY: (STAFF'S SIGNATURE)	DATE TIME 1/16/07	
□ COPY OF CDC 115 GIVEN INMATE AFTER HEARING	12		

CDC 115 (7/88)

STATE OF CALIFORNIA

## RULES VIOLATION REPORT

CDC NUMBER C-56483	INMATE'S NAME STEPHEN, J.	RELEASE/BOARD DATE <i>(1) 11/28/05</i>	INST. RJDCC	HOUSING NO. F3-14-129U	LOG NO. F3-05-118
VIOLATED RULE NO(S). JR 3005(c) FORCE & VIOLENCE		SPECIFIC ACTS THREATENING STAFF	LOCATION F3 H/U#14	DATE 11-27-05	TIME 1945 hrs.

## CIRCUMSTANCES

In Sunday, November 27, 2005, at approximately 1945 hours, while performing my duties as H/U #14 Floor Officer, during the 1945 hour unlock, I notified I/M STEPHEN, J., C-56483, F3-14-129U that his status was A2-B. I/M STEPHEN then became agitated and began stating to me, "That was stupid." I then clarified with him what my expectations were for inmates who were A2-B status and he stated, "You have been fucking with me from the beginning." I then said to him that how was I messing with you, If I verified through the Program Office his status. At this point I/M STEPHEN had a ball-point in his right hand and held it in such a way that made me believe he may use it as a weapon. I took a step back, unsecured my M-9p Oc Spray Strap and told I/M STEPHEN to settle down and he said, "Fuck you, you'll get yours." I repeated my instructions for him to settle down and he backed up and went in his cell. After 1945 hours unlock was complete I began checking my unit cell by cell to verify all A2-B's, C1-A's and C/C inmates were in their cells. While passing Cell #129 where I/M STEPHEN lives, he again made threats as before with a ball-point pen held in his hand in an aggressive manner. I notified Program Sgt F. Delatorre who arrived and placed I/M STEPHEN in handcuffs, and then was escorted to the Fac.3 Program Office by Yard Staff. Inmate STEPHEN is aware of this report and was Medically evaluated by Fac.3 Medical Staff.

## MSDS:

REPORTING EMPLOYEE (Typed Name and Signature)

► M. Espinoza, Correctional Officer

REVIEWING SUPERVISOR'S SIGNATURE

► F. Delatorre, Sergeant

CLASSIFIED  
 ADMINISTRATIVE  
 SERIOUS

OFFENSE DIVISION  
*BD*

DATE

CLASSIFIED BY (Typed Name and Signature)

► A. Bracconie, Facility Captain

DATE

11-28-05

ASSIGNMENT

H/U #14 Floor Officer

RDO'S

 INMATE SEGREGATED PENDING HEARING

DATE 11-27-05

LOC.

HEARING REFERRED TO

HO  SHO  SC  FC

## COPIES GIVEN INMATE BEFORE HEARING

✓ CDC 115	BY: (STAFF'S SIGNATURE) <i>D. Bratt</i>	DATE 11/28/05	TIME 10:45	TITLE OF SUPPLEMENT 7219 Medical Report
□ INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) <i>D. Bratt</i>	DATE	TIME	BY: (STAFF'S SIGNATURE) <i>D. Bratt</i>

HEARING  
Inmate STEPHEN, C-56483, appeared before this Senior Hearing Officer (SH) on 12-20-05 at 1035 hours, for hearing of RVR Log #F3-05-668. The hearing was held in Administrative Segregation, MSDS: CDCRS, but the inmate's mental health status was not a factor in the charges or the disciplinary process. SH was not assigned per ODR 3315(d)(2)(A)1,2,3; The inmate is not illiterate, is English speaking, the issues are not complex, GEL Score is above 4.0, and he does not require a confidential relationship in preparing his defense. The inmate acknowledged he was in good health and did not object to proceeding with this hearing. He was advised of the charges and the purposes of the hearing, and acknowledged receipt of the 115, 115A, 7219 Medical Report, 24 hours prior to this hearing. (I/M STEPHEN also acknowledged IE). The inmate received his first copy of the RVR within 15 days of discovery and the hearing was held within 30 days of the issuance of the RVR, therefore, all time constraints were met. IE WAS ASSIGNED. The issues are not complex, however the inmate's housing status did preclude his evidence gathering, and additional information was necessary for a fair hearing. C/O R. Ramirez was assigned on 11-30-05 and the report was taken into consideration by the SHO.

WITNESSES: Requested, but subsequently waived by the inmate, as verified by the inmate's signature on the 115A.

INMATE PLED: NOT GUILTY, stating, "I did not threaten him. I did not disrespect him."

## HEARING CONTINUED ON PART C page 1 of 2

REFERRED TO <input type="checkbox"/> CLASSIFICATION <input type="checkbox"/> BPT/NAEA	SIGNATURE	DATE	TIME
ACTION BY: (TYPED NAME) C.P. Franco, Lieutenant	<i>D. Bratt</i>	<i>12/1/05</i>	<i>10:45</i>
REVIEWED BY: (SIGNATURE) ► A. Bracconie, Facility Captain	CHIEF DISCIPLINARY OFFICER'S SIGNATURE ► P.A. Coven, Associate Warden	DATE	TIME
✓ COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) <i>D. Bratt</i>	DATE 12/3/05	TIME 1925

CDC 115 (7/88)

12

ID and NUMBER

CDC NUMBER: C56481

CDC 128-C

STEPHEN, JIMMIE

R.J. Donovan Correctional Facility  
F31300000000105U

ANNUAL TB CHRONO  
TB SKIN TESTING

DISTRIBUTION

CENTRAL FILE:   
MEDICAL FILE:   
INMATE:

INMATE TB ALERT CODE

21

05-04-2005

L.N. LYLE, D.O., M.S., DIRECTOR, PUBLIC HEALTH @ RJDCC

MEDICAL—PSYCHIATRIC—DENTAL

14

E and NUMBER

CDC-128-C

056483

F.C. Donovan Correctional Facility  
F3130000000105U

STEPHEN, JIMMIE

TB CHRONO

TB SKIN TESTING/EVALUATION

CENTRAL FILE:   
MEDICAL RECORD:   
INMATE:

INMATE TB ALERT CODE

33

L.N. LYLE, D.O., M.S., DIRECTOR, PUBLIC HEALTH @ RJDCF  
MEDICAL—PSYCHIATRIC—DENTAL

05-17-2005

15

"AFFADAVIT"

I AM A PRISONER AT R.J. DONOVAN CORRECTIONAL FACILITY LOCATED AT 480 ALTA ROAD..SAN DIEGO CALIFORNIA..92179..I UNKNOWINGLY CONTACTED THE "TUBERCULOSIS GERM" WHILE DOING TIME HERE AT R.J.D..THESE TESTS ARE "MANDATORY" REQUIRED AND DONE "YEARLY"..AS A "MUST"..I HAVE NOT "REFUSED" NOR HAVE I "MISSED" A TEST..TO DETERMINE "POSITIVE OR NEGATIVE" ..

ON LAST TEST DONE SEVERAL MONTHS AGO "2005"..I TESTED "POSITIVE"..AS AM CONTRIBUTING THE "OVERCROWDING""DENIAL OF ADEQUATE DOCTORS""PROPER SCREENING PROCESS" TO CURTAIL "NEWLY" INFECTED PRISONERS WHOM CARRY THE "CONTAGIOUS T.B." THAT IS SPREAD "AIR BORN"..AS THIS IS "INJURY" WITH "SIDE-EFFECTS" .. TRUE AGAINST FRAUD OR PERJURY

(NAME)	DATE 7-10-05 (SIGNATURE)	(NUMBER)	(HOUSING)
--------	-----------------------------	----------	-----------

Byron Pitney	176352	Byron Pitney	13-149
Timmie Stephen	13-105	Alfred Yancy	13-105
Alfred Yancy	V-61195	12-230	u.p
Washington, D.C.	V55965	14-142	Law
Dale G. Tailes	0-52585	F-3-13	105-L

## REQUEST FOR SENATE INVESTIGATION

(SHORT TITLE)

Nicholas Noussias -vs- Robert Hernandez, Warden, Richard J. Donovan Corr. Fac.

(Complainant by full name, address, and telephone)

Nicholas Noussias CDCR#D-46818  
P.O. Box 799003  
San Diego, Ca 92179-9003

(Complaint directed to a Member of the California State Senate)

Senator (full name and address): Gloria Romero  
Joint Committee on Prison Construction and Operations  
Attn: Chairperson  
State Capitol, Room 400, Sacramento, California 95814-

Place where the complained of issues originate:

City: San Diego

County: San Diego

State: California

Describe the nature of your complaint briefly. You must state facts, not conclusions. Failure to allege sufficient facts will result in the denial of review. A rule of thumb to follow is: who did exactly what, when, and where. (If available, attach declarations, relevant records, court transcripts, or other documents which may support your claims.) Type in single line space in the area provided below. Use additional pages if necessary.

I am currently incarcerated at the State prison known as the Richard J. Donovan Correctional Facility located in San Diego. I am housed on Facility Three, Building Fifteen. My housing unit consists of one-hundred one-man cells currently housing two men per cell. I am alleging the ventilation system currently in place in my housing unit as well as all other cell housing units in RJDCF are in inadequate for the human needs for which the system was designed. Since my incarceration at R.J.D.C.F., I have been experiencing respiratory difficulty, nose bleeds, etc., which I have not experienced prior to my incarceration at RJDCF. I sent requests to the prison's chief engineer for repair or replacement of the system with no positive results. I can submit physical proof that the ventilation system allows foreign matter into the cells breathed by myself and other prisoners. Utilizing a food server hair net, I have been able to catch the foreign material which partially consists of dead insects, what looks to be black ash, and other unidentifiable foreign material.

Explain in what regards this matter should be brought before the State Senate.

I believe that in order to correct the inadequate ventilation system, the whole system will have to be rebuilt, possibly with a hepa-filtration type system to insure that the health of the prisoners of RJDCF are protected. Such action will require the appropriation of funds which I believe would be the province of a senate sub-committee on corrections. Moreover, before such funds can be appropriated, an investigation will have to be conducted to determine the veracity of my allegations.

Have you brought this complaint to the attention of anyone, or to any officials, office or agency? If yes, please state when, to whom, and to where you brought these concerns, and what, if anything, was done about the issues complained of.

I am attempted to informally resolve this matter by contacting Robert Edwards the Chief Engineer of plant operations at RJDCF with no response. I then instituted an administrative grievance to address this matter. The aforementioned documentation is attached hereto. The administrative grievance is currently pending final level of review in Sacramento.

The above information must be accompanied with a true (original) signature of the complainant, dated and attested to pursuant to the penalty of perjury, as follows. Complaints submitted which are not signed or dated will not be considered whatsoever.

I, the undersigned say: I am the complainant in this matter. I declare under the penalty of perjury under the laws of the State of California that the foregoing allegations and statements are both true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Dated this 12th day of June, 2006, at San Diego, California

Date:

  
Signature of Complainant

18

STATE OF CALIFORNIA

INMATE/PAROLEE  
APPEAL FORM

CDC 802 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Jimmie Stephen	C56483	Laundry	13-113 4F

A. Describe Problem: ON 11-23-04 MRS E. SIMON WAS TOLD BY UNKNOWN LIEUTENANT THAT CLOSE CUSTODY PRISONERS WERE NOT TO BE ALLOWED IN LAW LIBRARY.. AS THIS IS A DIRECT VIOLATION OF TITLE 15 ART 3377.1-4-B. WHICH DIRECTLY REVERSES THE ACTIONS OF THIS UNKNOWN LIEUTENANT ON 11-23-04..

If you need more space, attach one additional sheet. BORDERS VS SMITH 430, US, 817 (1977)

B. Action Requested: "NAME" OF THIS LIEUTENANT.. AS MRS. SIMON IS AN INNOCENT PARTY TO THIS VIOLATION OF STATE AND POSSIBLY FEDERAL LAW..

Inmate/Parolee Signature: Jimmie Stephen Date Submitted: 11-29-04

C. INFORMAL LEVEL (Date Received: 12-2-04)

Staff Response: LT. SHELAR, THIRD WATCH WATCH COMMANDER INFORMED ME ABOUT THE RULE WHICH IS BEING ENFORCED CURRENTLY. ACCORDING TO THE LEUTENANT, CLOSE CUSTODY INMATES NO LONGER CAN COME TO THE LIBRARY BETWEEN 1700 AND 2000

Staff Signature: Cal Lewis Date Returned to Inmate: 12-2-04

D. FORMAL LEVEL  
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Satisfied

Signature: Dawn Stoen Date Submitted: 12-6-04

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

19  

CDC Appeal Number:

## "SUPERIOR COURT OF CALIFORNIA"

"DECLARATION" AFFADAVIT"

8-8-05

I DO SWEAR UNDER PENALTY OF PERJURY AND FRAUD THAT THE STATEMENTS IN THIS DOCUMENT IS TRUE TO BEST OF KNOWLEDGE.. I AM HOUSED AT THE "DONOVAN STATE PRISON" AT: 480 ALTA ROAD SAN DIEGO CALIFORNIA.. 92179.. AND THE "OVERCROWDING" HAS AFFECTED MY TIME, BY "DENIAL" OF PRIVILEGES, "RIGHTS" GUARANTEED BY THE CONSTITUTION.. "WEEKEND YARD" "SHOWERS" ECT.. "RECREATION" .. AS WELL AS "EXERCISE" .. MAINLY "WEEKENDS" WHEN GUARDS DO NOT WANT TO WORK, , SINCE 22-1-05 "ONGOING" .. THE "RIGHT TO BE FED" IN PROPER EATING FACILITY IS DENIED, DEPRIVED.. OR ALLOWED THE "15" MINUTES TO EAT AS REQUIRED BY LAW.. THE "OVERCROWDING" HAS CONTRIBUTED TO "MAIL DELAY" "FEEDING DELAY" "LAW LIBRARY DELAY" "DELAY IN CLASSIFICATION" BE SEEN BY COUNSELOR" BUT WHEN TIME TO GO TO "WORK IN "P.I.A." EVERYTHING IS ON TIME.. AS WELL AS "ADEQUATE MEDICAL" "DENTAL" .. "ONGOING" .. SINCE 11-7-04.. AS WELL AS OTHER "ONGOING INJURIES" ..

TRUE AGAINST FRAUD OR PERJURY

NAME	SIGNATURE	NUMBER	HOUSING
Jimmie Stephen	Jimmie Stephen	C56483	13-105 <sup>0</sup>
Eugene S. Williams	E.S. Williams	C-28040	3-13-210
DONALD HILL	Donald Hill	D-34185	3-13-104
Michael Hampton	Michael Hampton	F-20333	3-13-132 <sup>0</sup>
James L. Howell	James L. Howell	K-99017	F-3-13-130
Ty Rabus	Ty Rabus	C-95215	13-101
Leisha Greene	Leisha Greene	J-65474	3-13-131
Wiem, Michael	Wiem, Michael	J-84156	F-3-13-108200
Dale e. Dailey	Dale e. Dailey	D-52585	F-3-13-105-6
Frederick Corney	Frederick Corney	V-27375	F-3-13-11-146
JERRY REIBER	JERRY REIBER	D-91779	3-13-220
JONES, H.	JONES, H.	E-83779	3-13-120
CLARK, G. I.	CLARK, G. I.	E55102	FAC 12-240 lowe
Halil Qara	Halil Qara	B-53321	FLR 3 u
Sanne Richardson	Sanne Richardson	P-61288	12-247
Jeffrey D. B. D. 60441	Jeffrey D. B. D. 60441		FLR 3 -

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Exhibit # III

Code of "Southern Courts of (Akron)IA"  
"STATE" PROCESSIONS, as "federal Southern Courts"  
ARE "WILFULLY ABUSIVE" as shown well in  
Exhibit # 1..

WITNESS Policy, Custom, Practice, is to wilfully  
DENY, DEPRIVE "Oppositions" of "Complaints" therefore  
ruling in favor of "Defendants" ..

as shown in CAC-879806, GIC-83-2907 & GIC-84-0064  
as "Opposition" in GIC-879806 "RELOCATED" 2 TIMES to 9-18-07  
on 7-10-07. WILFULLY..

as JUDGES rule "UNOPPOSED" when all motions  
"OPPOSED" by Plaintiff..

GIC-879806 DISMISSED on 7-13-07..

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

MINUTE ORDER

Date: 07/13/2007

Time: 10:30:00 AM

Dept: C-60

Judicial Officer Presiding: Judge Yuri Hofmann

Clerk: Sandra Seematter

Bailiff/Court Attendant: Tony Quidilla

ERM:

Reporter: Michael S. Gallivan

Case Init. Date: 02/02/2007

Case No: GIC279806

Case Title: STEPHEN vs PITTMAN, SGT

Case Category: Civil - Unlimited

Case Type: PI/PD/WD - Other

Event Type: Motion Hearing (Civil)

Moving Party: JIMMIE STEPHEN

Causal Document & Date Filed: Demurrer, 05/16/2007

Appearances:

Deputy Attorney General Phillip J. Lindsay appears on behalf of Defendants.  
Plaintiff, Jimmie Stephen, appears telephonically in pro per.

The Court hears oral argument and takes this matter under submission.

Later, the Court adopts its tentative ruling as follows:

Defendants' unopposed motion to have Plaintiff declared a vexatious litigant is GRANTED. Defendants' request for judicial notice is GRANTED. The Court finds that Plaintiff's litigation history clearly fits within the criteria of a vexatious litigant pursuant to Code of Civil Procedure §391.

Defendants' motion to have the Court order Plaintiff to furnish security is GRANTED. Defendants have established that there is no reasonable probability that Plaintiff will prevail in his claims. See CodeCiv.Proc. §391.1 & §391.3. Plaintiff shall furnish security of \$10,000.00 (ten thousand) within 30 (thirty) days of the date this order is served on Plaintiff. Defendants shall file the proof of service of the order with the court.

If the security is not furnished as ordered, the lawsuit shall be dismissed as to the moving Defendants in accordance with Code of Civil Procedure §391.4. The litigation is stayed as to the moving Defendants until 10 (ten) days after the required security is furnished and Defendants are given written notice thereof in accordance with Code of Civil Procedure §391.5.

Lastly, this Court find that there is a need for and is therefore entering a prefiling order which prohibits Plaintiff from filing any new litigation in this Court in propria persona without first obtaining leave of the president judge, CodeCiv.Proc. §391.7(a).

Plaintiff's unopposed motion for appointment of counsel is DENIED. Plaintiff cites no authority for the appointment of counsel in a civil action in California state court.

*Yuri Hofmann*

Judicial Officer Presiding: Judge Yuri Hofmann

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Date: 07/13/2007  
Dept: C-60

MINUTE ORDER

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Calendar No. 20

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO



HALL OF JUSTICE  
330 W. BROADWAY  
P.O. BOX 120128  
SAN DIEGO, CALIFORNIA 92112-0128

CENTRAL  
CIVIL  
DIVISION  
DEPT. 60

**May 24, 2007**

**JIMMIE STEPHEN C56483  
PO BOX 8101  
SAN LUIS OBISPO, CA 93409-8101**

**IN RE: GIC 879806  
STEPHEN v. SGT. PITTMAN**

Pursuant to your letter filed 5/16/07, requesting copies of filed motions, please find enclosed copies of your Demurrer filed 5/16/07. This motion was not reserved in advance and due to the complexity will need to be re-calendared. **The new date is 9/18/07 at 10:30 a.m.**

Along with your letter, you submitted a motion papers entitled, "Motion for Appointment of Attorney". This motion again was not reserved in advanced. The Court will keep it scheduled for 7/13/07 due to nature of the motion. A filed copy is enclosed.

Please file an amended notice, the original with the Court and a copy provided to defense counsel of the new hearing date for the Demurrer on 9/28/07 at 10:30 a.m.

Enclosed also is a filed copy of the amended complaint, filed 4/20/07 and the Certificate of Progress filed 5/23/07.

Sincerely,

Diane Howard  
Calendar Clerk  
Department 60

Encl.

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JUDGE YURI HOFMANN  
SAN DIEGO SUPERIOR COURT  
330 W. BROADWAY  
SAN DIEGO, CA 92101

## MEMORANDUM

Date: 8/10/07

To: Jimmie Stephen  
C56483 3-15-1370  
PO Box 799001  
San Diego, CA 92179

From: Grachelle Macedo, Calendar Clerk for Judge Hofmann

Re: GIC879806 Stephen vs Pittman, Sgt

Please be advised that your motion scheduled for 9/18/07 **will be continued to Monday, 10/15/07 at 9:00 am.**

If you have filed your moving papers please file and serve an amended notice with the information reflected above.

Thank you.

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[Return to Request Ruling](#)

The following is a TENTATIVE ruling for 8/19/2005,  
Department 64, the Honorable William R. Nevitt presiding.

Case Number GIC840064

STEPHEN v. HERNANDEZ ET AL.

Pursuant to Local Rule 2.19, the Court's tentative ruling is as follows:

**The unopposed demurrsers by defendants Contreras, Hernandez, Cota, Munoz and Clarke to the second amended complaint ("SAC") filed by plaintiff on May 17, 2005, are sustained, without leave to amend, on the grounds the SAC fails to state facts sufficient to constitute a cause of action and is uncertain.**

On April 29, 2005, the Court sustained the demurrer to plaintiff's "Amended Complaint # 1" and granted plaintiff leave to file a second amended complaint alleging facts showing that the unexhausted remedies were not "available" for purposes of 42 U.S.C. § 1997e(a) and to "allege specific and nonconclusory facts showing the defendant's acts deprived him of a right, privilege or immunity secured by the federal Constitution or federal laws." The SAC does not cure the defects identified in the Court's April 29, 2005, ruling. In addition, the allegations of the SAC are unintelligible. Plaintiff has neither opposed the demurrsers nor shown there is a reasonable possibility he can cure these defects by further amendment.

**Plaintiff's unopposed "Request For Court 'Order' For Defendant 'Clark' To Turn Over 'Copy' 'Original' Of 'Cassette' 'Recording' Of 10-25-04 .. Between Plaintiff 'Stephen' And 'Clark' (With In '30' Days From Request)" (filed 7/8/05) and "Motion To Transfer Prisoner To Court" (filed 7/8/05) are ordered off calendar.**

The "Proofs Of Service" attached to the "Request" and to the "Motion" do not comply with Code of Civil Procedure sections 1013a(1) and 2015.5.

The minutes constitute the order of the Court and no formal order is required except that the demurring defendants are directed to submit a proposed judgment of dismissal to the Court within 14 days of the date of this ruling, after giving plaintiff an opportunity to review it.

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The demurring defendants' counsel are directed to serve notice of ruling in accordance with the provisions of Code of Civil Procedure section 1019.5(a).

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*This ruling file posted to web server: 8/18/2005 1:53:12 PM  
This ruling file retrieved by browser: 8/18/2005 1:57:29 PM*

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0302

**RECOMMENDATION:** Pursuant to Local Rule 2.19, the Court's tentative ruling is as follows:

**Plaintiff's unopposed "Motion To Disqualify" 'Entire' Attorneys Generals 'Office'" is denied.**

Plaintiff has not cited adequate authority in support of his alleged grounds for disqualification.

**The [unopposed] demurrs by defendant Woodford to the second amended complaint ("SAC") filed by plaintiff on May 17, 2005, are sustained, without leave to amend, on the grounds the SAC fails to state facts sufficient to constitute a cause of action and is uncertain.**

On April 29, 2005, the Court sustained the demurrer to plaintiff's "Amended Complaint # 1" and granted plaintiff leave to file a second amended complaint alleging facts showing that the unexhausted remedies were not "available" for purposes of 42 U.S.C. § 1997e(a) and to "allege specific and nonconclusory facts showing the defendant's acts deprived him of a right, privilege or immunity secured by the federal Constitution or federal laws." The SAC does not cure the defects identified in the Court's April 29, 2005, ruling. In addition, the allegations of the SAC are unintelligible. Plaintiff has neither [opposed the demurrs] nor shown there is a reasonable possibility he can cure these defects by further amendment.

**Plaintiff's motion for summary judgment (filed 6/10/05, with "Supplemental" filed 7/8/05), "Motion To 'Respond To Grievances' '4' 'Within' '30 Days', and "Motion to Proceed Remedies timebarred" are moot in light of the ruling on defendant Woodford's demurrs and the judgment of dismissal entered in favor of the remaining five defendants.**

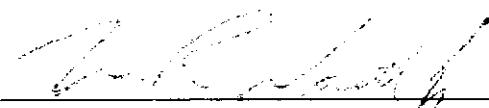
The minutes constitute the order of the Court and no formal order is required except that defendant Woodford is directed to submit a proposed judgment of dismissal to the Court within 14 days of the date of this ruling, after giving plaintiff an opportunity to review it.

The above rulings, together with the judgment of dismissal entered on September 21, 2005, dispose of this entire case.

Defendant Woodford's counsel are directed to serve notice of ruling in accordance with the provisions of Code of Civil Procedure section 1019.5(a).

**IT IS SO ORDERED**

**Dated: 10/7/2005**

  
Hon. WILLIAM R. NEVITT  
Judge of the Superior Court

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CALENDAR NO. 5

NUMBER TC832907	COMPLAINT DATE 07-14-04	HEARING DATE 06/03/05	HEARING TIME 08:30AM	DEPT 65	COURT USE ONLY F 1 & E D Clerk of the Superior Court JUN 03 2005 By: SCOTT SEYLER, Deputy
JUDGE/COMMISSIONER HON. JOAN M. LEWIS	CLERK Regina Lindsey Cooper CSR # 7688				
REPORTER JACQUELINE PLUMMER P.O. BOX 120128, SAN DIEGO, CA 92112-0128					
PLAINTIFF/PETITIONER JIMMIE STEPHEN	DEFENDANT/RESPONDENT WARDEN R. HERNANDEZ				
ATTORNEY FOR PLAINTIFF/PETITIONER JIMMIE STEPHEN <i>Vfor</i>	ATTORNEY FOR DEFENDANT/RESPONDENT MICHAEL P. CAYABAN (1) <i>MCay</i>				<input type="checkbox"/> P <input type="checkbox"/> NP
1. DEFENDANT MTN FOR SUMMARY JUDGMENT THIS MATTER HAVING COME BEFORE THE COURT THIS DATE, THE COURT ORDERS:					

PRIOR TO CALENDAR CALL  OFF-CALENDAR  GRANTED  BONDS \_\_\_\_\_  
 DENIED  WITH/WITHOUT PREJUDICE

PRIOR TO CALENDAR CALL  CONT. TO \_\_\_\_\_ IN DEPT \_\_\_\_\_ AT \_\_\_\_\_

TRO  CONTINUED  VACATED

ALL PREVIOUS ORDERS REMAIN IN FULL FORCE AND EFFECT.

ORAL ARGUMENT TENTATIVE DATED 6-3-05  CONFIRMED  MODIFIED

DISPOSES OF ENTIRE ACTION  DOES NOT DISPOSE OF ENTIRE ACTION

PREVAILING PARTY TO PREPARE AND FILE FORMAL ORDER PURSUANT TO CRC 391.

OTHER

Defendants' request for judicial notice of Title 15, California Code of Regulations, section 3190 (2003) is granted.

Defendants Robert J. Hernandez, Elias Contreras, Michael Liptscher, Doris M. Barnes and Efren Vizcarra's motion for summary judgment is granted for the following reasons.

First, exercising its discretion, the Court grants the motion because Plaintiff failed to file any opposition, including an opposing separate statement. See CCP Sec. 437c(a)(3).

Second, Defendants have met their burden of establishing that Plaintiff's complaint in this case concerns discretionary acts by the Defendants and that, as public employees, they are immune from liability pursuant to Gov. Code Sec. 820.2. [See evidence cited in support of Defendants' Separate Statement Issue No. 1, Nos. 1-6].

Third, Defendants have met their burden of establishing that the fraud cause of action lacks merit. [See evidence cited in support of Defendants' Separate Statement Issue No. 2, Nos. 1-8]. The Court notes Plaintiff has failed to submit any evidence to demonstrate that an intentional misrepresentation was made or that he justifiably relied on any misrepresentations.

As to Defendants Barnes and Contreras, the evidence cited in support of Defendants' Separate Statement Issue No. 3, Nos. 1 through 3 is sufficient to meet their burden that they were neither involved in the acts complained of in Plaintiff's complaint nor otherwise liable in this matter.

Finally, the Court finds Plaintiff has failed to articulate a statutory basis for his claims

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Date 6/03/05

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

SUPCT CIV-718A (Rev. 5-04)

Page 1 of 2  
 MOT-MINUTES/ORDER OF THE COURT

against these Defendants.

On May 17, 2005, this Court received Plaintiff's "Undisputed Facts Motion for Summary Judgment" and "Amended Motion for Summary Judgment." Because neither matter was appropriately calendared with this Court or timely noticed, the Court declines to consider these papers as affirmative motions. To the extent, these filings were intended to serve as opposition to Defendants' motion for summary judgment, the Court concludes Plaintiff has failed to meet his burden and has failed to create any triable issue of fact. Similarly, the Court declines to consider Plaintiff's motion to "amend damages" because it was neither calendared with the court nor timely served.

For all of the above reasons, the Defendants' motion for summary judgment is granted. This ruling disposes of the entire action.

Mr. Cayaban to fax copy of *Joan M. Lewis*  
this ruling to Mr. Stephen \_\_\_\_\_  
Hon. JOAN M. LEWIS  
Judge of the Superior Court

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